

UNITED STATES DISTRICT COURT

Southern

District of

New York

SETH GOLDMAN, individually and
on behalf of all others similarly situated,

SUMMONS IN A CIVIL ACTION

V.

FISHER-PRICE INC., and MATTEL, INC.

CASE NUMBER: 07 CV

07 CIV 7764

TO: (Name and address of Defendant)

FISHER-PRICE, INC.
636 GIRARD AVENUE
E AURORA, NEW YORK, 14052
MATTEL, INC.
333 CONTINENTAL BOULEVARD
EL SEGUNDO, CALIFORNIA, 90245-5012

-AND-

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Steven M. Hayes, Esq.
HANLY CONROY BIERSTEIN SHERIDAN FISHER & HAYES LLP
112 Madison Avenue, 7th Floor
New York, New York 10016

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

AUG 31 2007

CLERK

DATE

(By) DEPUTY CLERK

HANLY CONROY BIERSTEIN SHERIDAN FISHER
HAYES, LLP
112 MADISON AVENUE
NEW YORK, NY 10016
212.784.6410

UNITED STATES DISTRICT COURT

Southern **DISTRICT OF New York**

SETH GOLDMAN, ET AL.

Plaintiff(s)

v.

MATTEL, INC.

Defendant(s)

CASE NUMBER:

07CIV7764

**PROOF OF SERVICE
SUMMONS AND COMPLAINT**

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (*specify documents*):
 - a. ☒ summons ☒ complaint ☐ alias summons ☐ first amended complaint
 - ☐ second amended complaint
 - ☐ third amended complaint
 - ☐ other (*specify*):
2. Person served:
 - a. ☒ Defendant (*name*): MATTEL, INC.
 - b. ☒ Other (*specify name and title or relationship to the party/business named*):
T. ANDERSON, SUPERVISOR, PERSON IN CHARGE, BLK, FEM, 35YRS, 5'6", 150#, BROWN HAIR
 - c. ☒ Address where papers were served: 333 CONTINENTAL, EL SEGUNDO, CA
3. Manner of Service in compliance with (*the appropriate box must be checked*):
 - a. ☐ Federal Rules of Civil Procedure
 - b. ☒ California Code of Civil Procedure
4. I served the person named in Item 2:
 - a. ☐ By Personal service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
 1. ☐ Papers were served on (*date*): _____ at (*time*): _____
 - b. ☒ By Substituted service. By leaving copies:
 1. ☐ (*home*) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 2. ☒ (*business*) or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.
 3. ☒ Papers were served on (*date*): 9/27/2007 at (*time*): 10:45AM
 4. ☒ by mailing (*by first-class mail, postage prepaid*) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
 5. ☒ papers were mailed on (*date*): 9/27/2007
 6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.

PROOF OF SERVICE - SUMMONS AND COMPLAINT

- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity.** (F.R.Civ.P. 4(b)) (C.C.P. 416.10) By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity.** (C.C.P. 415.20 only) By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service**).
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service):
5. Service upon the United States, and Its Agencies, Corporations or Officers.
- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
- Name of person served:
- Title of person served:
- Date and time of service: (date): _____ at (time): _____
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).
6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):

GUILLERMO VERJAN
ALL AMERICAN ATTORNEY SERVICE, INC.
714 W. OLYMPIC BLVD., SUITE 639
LOS ANGELES, CA 90015
213.746.8010

a. Fee for service: \$ 37.95

- b. ☐ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☒ Registered California process server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 10/4/2007

(Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT